

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV 724615714 US  
Express Mail Label NumberAugust 10, 2005  
Date of Deposit

#4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF  
MARGARET FORNEY PRESCOTT  
INTERNATIONAL APPLICATION NO: PCT/EP03/06855  
FILED: 27 JUNE 2003  
U.S. APPLICATION NO: 10/519,070  
35 USC §371 DATE: Herewith

**MS: PCT**  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

Applicant received a Notice to File Missing Parts of Application mailed June 10, 2005 (a copy of which is enclosed) having a shortened statutory time set to expire on August 10, 2005.

On February 8, 2005, Applicant submitted the original Declaration with the Form PTO-1390-MOD checking Item 2 (second submission). However, on this transmittal form applicant listed the **application number** incorrectly. The application number should read: 10/519,070 not 10/510,070, as shown in the enclosed receipt post card.

According to the PAIR System, the transmittal letter, dated February 8, 2005 which enclosed the **original** Declaration appears in the file of Application No. 10/510,070. Please retrieve the original declaration, if possible, and place it in the instant application file (Application Number 10/519,070). Also enclosed is an Information Disclosure Statement for this case, since the previously submitted IDS also was submitted with the incorrect Serial Number.

08/15/2005 MKAYPAGH 00000130 190134 10519070

01 FC:1617 Upon review of the instant application it was further noted that the filing papers, dated 130.00 DR December 23, 2004, as well as the post card, listed the wrong docket number. The docket

number should read: 4-32551A not PC/4-32528A. We would appreciate it, if you would kindly correct the docket number in your records so that there will be no further confusion.

In response to the Notice to file missing parts, Applicant now submits a copy of a fully executed Declaration and Power of Attorney hoping that the original will be transferred to the instant application from the file of Application No. 10/510,070.

Please charge the \$130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-0134 in the name of Novartis if the fee was not charged correctly under the submission of the declaration with form PTO 1390-MOD.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or **credit any overpayment**, to Account No. 19-0134 in the name of Novartis.

A duplicate copy of this letter is provided for charging purposes.

Respectfully submitted,

  
\_\_\_\_\_  
Gregory D. Ferraro  
Attorney for Applicant  
Reg. No. 36,134

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7831  
Date: August 10, 2005

Rec'd PCT/PTO 10-AUG 2005

Case No.

DE/4-32551A 32551A

Application No.

107519070

Mailing Date:

12/23/04

Due Date:

12

Express Mail No.: PC/4-32551A

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

Amendment/Response/Letter - Fee \$

Appln. Filing Papers - Fee \$ 2300.00

PCT National Stage

Provisional Application

RCE  DIV  CONT  CIP

Specification \_\_\_\_\_ Pg's

Executed/Unexecuted Decl. - Fee \$

Missing Parts/Missing Req.

Preliminary Amendment \_\_\_\_\_ Pg's

Claim of Priority  Certified Copy(s)

Amendment After Final

Notice of Appeal - Fee \$

Appeal Brief - Fee \$

Issue Fee Payment \$

Assignment Rec. Req. - Fee \$

Formal Drawings \_\_\_\_\_ Pg's

IDS \_\_\_\_\_ Pg's - Fee \$

PTO-1449 Form \_\_\_\_\_ Pg's

Pet. for Ext. of Time - Fee \$

Application Data Sheet

Seq. Listings \_\_\_\_\_ Pg's/Seq. Disk

DT03 Rec'd PCT/PTO 23 DEC 2004

JAN 2005  
RECEIVED  
Linda C. Rothwell  
Patent

Initials

GDF

82972/99A Rev.1

Copy sent to Basile  
2/3/05

ENTERED

JAN 17 2005

Linda Rothwell

BEST AVAILABLE COPY

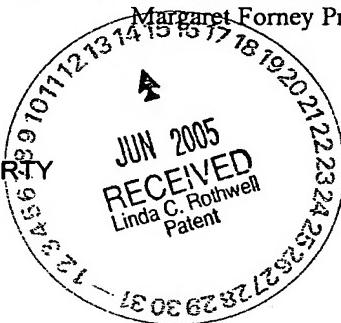
Rec'd PCT/PTO 10 AUG 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/519,070	Margaret Forney Prescott	PC/4-32528A- 32551A
001095 NOVARTIS CORPORATE INTELLECTUAL PROPERTY ONE HEALTH PLAZA 104/3 EAST HANOVER, NJ 07936-1080	INTERNATIONAL APPLICATION NO. PCT/EP03/06855	
	I.A. FILING DATE	PRIORITY DATE
	06/27/2003	06/28/2002



CONFIRMATION NO. 7428  
 371 FORMALITIES LETTER



\*OC000000016229527\*

Date Mailed: 06/10/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/23/2004
- Copy of the International Search Report filed on 12/23/2004
- Copy of IPE Report filed on 12/23/2004
- Preliminary Amendments filed on 12/23/2004
- Oath or Declaration filed on 12/23/2004
- U.S. Basic National Fees filed on 12/23/2004
- Priority Documents filed on 12/23/2004

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The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

DOCKETED FOR: Aug. 10, 2005

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,070	PCT/EP03/06855	PC/4-32528A

FORM PCT/DO/EO/905 (371 Formalities Notice)

EV 44378 P498 US

Express Mail Label Number

2/8/05  
Date of Deposit

Form PTO-1390-MOD (REV 10-96)		U. S. Department of Commerce Patent and Trademark Office	
		ATTORNEY'S DOCKET NUMBER PC4-32551A	
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/510,070	
		PRIORITY DATE CLAIMED 10/519,070	
INTERNATIONAL APPLICATION NO. PCT/EP03/06855		INTERNATIONAL FILING DATE 27 June 2003 (27.06.03)	
TITLE OF INVENTION USE OF ORGANIC COMPOUNDS			
APPLICANT(S) FOR DO/EO/US MARGARET FORNEY PRESCOTT			

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An executed Declaration and Power of Attorney (original or copy) (35 U.S.C. 371(c)(4)).
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern document(s) or information included.**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.  
 A **SECOND** or **SUBSEQUENT** preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information:

17.  The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):**

Search Report has been prepared by the EPO or JPO .....	\$950
International preliminary examination fee paid to USPTO (37 CFR 1.482) .....	\$750
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))......	\$790
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO. ....	\$1,110
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4). ....	\$100

**CALCULATIONS PTO USE ONLY****ENTER APPROPRIATE BASIC FEE AMOUNT = \$**

Surcharge of \$130 for furnishing the oath of declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	0	- 20 =	X \$ 18	\$
Independent claims	0	- 3 =	X \$ 88	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 300	\$

**TOTAL OF ABOVE CALCULATIONS = \$ 130**

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

**SUBTOTAL = \$ 130**

Processing fee of \$130 for furnishing the English translation later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE = \$ 130**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property

**TOTAL FEES ENCLOSED = \$ 130**

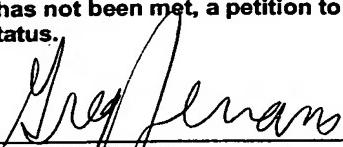
Amount to be:	\$
refunded	
charged	\$

- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge Deposit Account No. 19-0134 in the name of Novartis in the amount of \$130 to cover the above fees. Two duplicate copies of this form are enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0134 in the name of Novartis.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

Send all correspondence to the address associated with Customer No. 001095, which is currently:

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080

  
Gregory D. Ferraro  
Attorney for Applicant  
Reg. No. 36,134  
(862) 778-7831

Case No. PC/4-32551A  
Application No. 10/510,070 10/519,070  
Mailing Date: 2/8/05

Due Date: EV 443788498 US

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Provisional Application

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IDS Pg's - Fee \$

PTO-1449 Form Pg's

Pet. for Ext. of Time - Fee \$

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DT07 REC'D PCT/PTO 08 FEB 2005

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Linda C. Rothwell  
Patent

82972/99A Rev.1